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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,239	06/20/2001	Jeffrey D. Washington	5150-48900	5831
35690	7590	01/30/2006		EXAMINER
				VU, KIEU D
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/886,239	WASHINGTON ET AL.	
	Examiner Kieu D. Vu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 02 December 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7,9-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) 20-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,5-7,9,10,13-15 and 17-19 is/are rejected.
- 7) Claim(s) 3,4,11 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 11/02/05.

### *Election/Restrictions*

2. Newly submitted claims 20-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 20-24 are directed to an invention that requires counting the number of received data values each time the node receives a data value.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-6, 9-10, 13-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al ("Roach", USP 6343292) and Guttag et al ("Guttag", USP 4933878).

Regarding claims 1 and 9, Roach teaches steps for creating a graphical program that performs a numerical function (lines 59 of col 3 to lines 6 of col. 4), comprising displaying a node in a graphical program in response to user input (user can select and place an SIB on the template (col 3, lines 66-67) wherein the node is operable to perform a first numerical function (addition, subtraction, multiplication, or division); configuring the node to receive data values, in response to user input (configuring parameters for the node) ( col 4, line 67) (col 5, lines 33-36); configuring the node with criteria information to perform a numerical function (addition, subtraction, multiplication, or division) on at least a subset of the received data values (col 5, lines 36-39), in response to user input; executing the graphical program; the node receiving a plurality of data values during execution of the graphical program (data values falls within desired range of value); the node determining a first data collection on which to perform the first numerical function, wherein the data collection comprises at least a subset of the data values received and the node performing the numerical function on the data collection (Fig. 4) ; wherein the node maintains state information regarding received data values and uses the state information to determine the data collection on which to perform the numerical function (numerical ranges) (col 5, lines 34-38), (Fig. 3-6). Roach does not teach that the numerical function is to be performed on a subset, but not all of the received data values. However, such feature is known in the art as taught by Guttag. Guttag teaches performing a numerical function on a subset, but not all of the received data values (col 24, lines 1-3). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Guttag's teaching of performing a numerical

function on a subset, but not all of the received data values in Roach's system with the motivation being to perform the numerical function on a part of received data.

Regarding claims 2 and 10, Roach teaches receiving user input requesting to specify configuration information for the node (receiving a request for creating a new service for a subscriber) (col 3, lines 59-61), displaying a graphical user interface (template of GUI 4) (col 3, lines 61) for specifying configuration information for the node, in response to the user input requesting to specify configuration information for the node (specifying parameter for the SIB icon) (col 3, lines 66-67). Roach further teaches configuring the node with the criteria information (addition, subtraction, multiplication, or division) (col 5, lines 25-40).

Regarding claims 5 and 13, Roach teaches the node is a primitive node provided by a graphical programming development environment for inclusion in the graphical program (SIB primitive) (col 4, lines 37-46).

Regarding claims 6 and 14, Roach teaches the numerical function performed on the data collection is a summation function (addition function) (col 5, lines 50) (Fig. 5)

Regarding claim 17, Guttag inherently teaches that the number of received data values is greater than the number of data value in the subset (col 24, lines 1-3).

5. Claims 7, 15, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al ("Roach", USP 6343292), Guttag et al ("Guttag", USP 4933878), and Rogers et al ("Rogers", USP 5497500).

Regarding claims 7 and 15, Roach teaches configuring the node to receive data values comprises connecting an input terminal of the node from an output terminal of

another node in the graphical program (line 66 of col 3 to line 2 of col 4). Roach does not teach that the node receives data via the connected wire. However, such feature is known in the art as taught by Rogers. Rogers teaches that the node receives data via the connected wire (Fig. 75). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rogers' teaching in Roach's system with the motivation being to receive data through the connected wire.

Regarding claim 18, Roach does not teach performing a second numerical function on the first data collection. However, such feature is known in the art as taught by Rogers. Rogers teaches performing different operations (addition, subtraction) on the same data collection (Fig. 75). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rogers' teaching of performing different arithmetic operations on the same data collection in Roach's system with the motivation being to perform different operations on the same set of data.

Regarding claim 19, Rogers teaches a first output terminal for outputting a result of performing the first numerical function on the first data collection and a second output terminal for outputting a result of performing the second numerical function on the first data collection (Fig. 75).

#### ***Allowable Subject Matter***

6. Claims 3-4 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3 and 11, the prior art does not teach "the node is configurable with a plurality of collection modes wherein each collection mode defines a subset of

received data values on which to perform the first numerical function; wherein said configuring the node with the criteria information in response to user input comprises configuring the node with a first collection mode in response to user input selecting the first collection mode from the plurality of collection modes; wherein said node determining the first data collection based on the criteria information and the state information comprises the node determining the first data collection based on the first collection mode and the state information" in specific combinations recited in claims 3 and 11.

7. Applicant's arguments filed 11/05/05 have been fully considered but they are moot under new ground of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

